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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 258—*Legis. 1-38-1, dated
Bangalore, 12th July 1938.*

Ordered that the accompanying Act to restrict the transfer of Government Savings Certificates and to provide for the payment of certificates standing in the name of deceased persons, which received the assent of His Highness the Maharaja, on the fourth day of July 1938, be published as Act X of 1938, in the *Mysore Gazette* for general information:

C. SUBRAHMANYA AIYAR,
Offg. Secretary to Government,
General Department.

ACT X OF 1938.

(Received the assent of His Highness the Maharaja on the fourth day of July 1938.)

Act to restrict the transfer of Mysore Government Savings Certificates and to provide for the payment of Certificates standing in the name of deceased persons.

Whereas it is expedient to restrict the transfer of Mysore Government Savings Certificates and to provide for the payment of Certificates standing in the name of deceased persons; it is hereby enacted as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Mysore Government Savings Certificates Act, 1938.

- (2) It extends to the whole of Mysore.
(3) It will come into force at once.

Prohibition
of transfer
of Mysore
Government
Savings
Certificates
without the
consent of
the Treasury
Officers.

2. (1) Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary, no transfer of a Mysore Government Savings Certificate shall be valid without the previous consent in writing of the officer in charge of the treasury in whose books it is for the time being registered.

(2) In this connection "transfer" means a transfer *inter vivos* and does not include a transfer by operation of law.

Payment on
death of
holder of
Mysore
Government
Savings
Certificates.

3. (1) If a person dies and is at the time of his death the holder of a Mysore Government Savings Certificate, payment of the sum for the time being due on such Certificate may be made in the manner provided in the Savings Banks Act V of 1873 for the payment of deposits belonging to the estates of deceased persons, and the provisions of sections 4 to 9 of the said Act shall apply accordingly as if the holder of such Certificate were a depositor in a Government Savings Bank and the sum for the time being due on such Certificate were a deposit in such a Bank:

Provided that the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exercisable by the Comptroller:

Provided further that, where in any one case payment is to be made of Certificates issued from more treasuries than one, the said powers shall be exercisable by the Comptroller.

(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a Mysore Government Savings Certificate before the same has reached maturity.

4. (1) Notwithstanding anything in section 45 of the Indian Contract Act 1872, as in force in Mysore, when a Government Savings Certificate is payable to two or more persons jointly and either or any of them dies, the Certificate shall be payable to the survivor or survivors of those persons and when all the joint holders are dead, it shall be payable to the registered nominee, and in the absence of nomination, to the representative of the last surviving joint holder in accordance with the provisions contained in section 3.

(2) This section shall apply whether such death occurred or occurs before or after this Act comes into force.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any certificate to which sub-section (1) applies.

MIRZA M. ISMAIL,
Dewan.

*Order No. T. 97—R.T. 9-37-37, dated Bangalore,
the 14th July 1938.*

In exercise of the powers conferred on them by section 13 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the levy of the reduced rate of service tax of Rs. 3-12-0 per seat per quarter, on motor buses of Mysore City Bus Service, granted under Notification No. T. 2351—R.T. 9-36-13, dated 7th June 1937 till the 30th June 1938, be extended till the 30th June 1939.

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No. T. 103—R. T. 10-37-37, dated Bangalore,
the 15th July 1938.

The following draft proviso which the Government propose to make in virtue of the powers vested in them under section 11 of the Mysore Motor Vehicles Act 1928 is hereby published for information of persons likely to be affected thereby and any suggestions or objections received on or before the 10th August 1938, in respect of the said draft will be considered by Government before issuing the rule finally:—

Draft Proviso.

The following will be added as proviso to Rule 1-A of the Mysore Motor Vehicles Rules 1924, as amended from time to time:—

Proviso.—Provided that the registration shall be made in the name of not more than a single person whether in his own behalf or as a partner of a partnership business or in the name of a company registered according to the provisions of law.

No. T. 196—R. T. 10-37-49, dated Bangalore,
19th July 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 12-A of the Mysore Motor Vehicles Rules, 1924, as amended from time to time (*vide* page 48 of the Mysore Motor Manual, 1938), the draft amendment in the said behalf having already been published with Notification No. T. 3676—R. T. 10-37-38, dated 9th May 1938 at page 92, Part IV of the *Mysore Gazette*, dated 12th May 1938.

AMENDMENT.

The following shall be substituted for Rule 12-A of the Mysore Motor Vehicles Rules, 1924:—

"Whenever the structure of a motor vehicle once registered is so altered as to increase or decrease the weight of the vehicle or alter

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its carrying capacity, the registered owner or person in possession or having control of the vehicle, shall surrender the original certificate of registration to the Registering Authority and obtain a fresh number and certificate of registration for the vehicle on payment of the fee prescribed in Rule 4 of the Motor Vehicles Rules.

Note.—A Vehicle is said to be altered, among other things, when the engine or chassis is changed.

The Registering Authority shall, if he is satisfied that the owner or person in possession of or having the control of the vehicle has been delaying the registration of the vehicle under the above clause, without assigning sufficient reasons for the delay, suspend the original registration of the vehicle until the vehicle is re-registered."

By Order,

C. SUBRAHMANYA AIYAR,
Offg. Secretary to Government,
General Department.

No. G. 390—P. H. 44-37-27, dated Bangalore,
the 14th July 1938.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to extend to the Magadi Town Municipality the following rules issued with Notification No. G. 2468—San. 61-30-7, dated 22nd September 1931:—

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (b).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (c).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (d).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (e).—

6. The standards of purity prescribed for milk, cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for Dirt in Milk.—(8) Where a sample of milk, separated or skimmed milk, deposits, on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be

presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (f).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (d).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (d).

Section 20 (g).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The

label shall be clearly visible to the purchaser and shall measure at least 2"×4" where only Kannada is used or at least 4"×4" where more than one language is employed.

Section 20 (h).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin," which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(a) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (b) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (c) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such labels by word of mouth at the time of purchase, or (d) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

By Order,

P. H. KRISHNA RAO,
Secretary to Government,
Local Self-Government Department.